

R E M A R K S

Claim 1 remains in in this Application, and is presented for the Examiner's consideration.

Objection to Claims

Claim 1 was objected to on the ground that the recitation of "Disposable protector" in line 1 should be changed to "A disposable protector."

This amendment has been made to claim 1.

It is therefore submitted that the objection to claim 1 has been overcome.

Rejection of Claims under 35 U.S.C. §112:

Claim 1 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

It was stated that the recitation of "the piece having a central weakening line along which a part of the piece is folded and covers front and side areas of the toilet next to the seat ring" is indefinite because the seat ring of the toilet is inferentially included as part of the claimed combination.

It was suggested that the language be changed to "the piece having a central weakening line along which the part of the piece is folded and adapted to cover front and side areas of the toilet next to the seat ring."

This amendment has been made to claim 1.

Accordingly, it is respectfully submitted that the rejection of claim 1 under 35 U.S.C. §112, second paragraph, has been overcome.

Prior Art Rejection

Claim 1 was rejected under 35 U.S.C. §103 (a) as being obvious from Spanish Patent No. ES 1016953 to Sahuquillo in view of U.S. Patent No. 2,251,732 to Earle.

Sahuquillo discloses an upper waterproof layer 1, a paper lining layer 4, a cotton layer 2, another paper lining layer 5 and a lower waterproof layer 3. Adhesive bands 6 are placed below the layer 3 for fixing the device on a toilet seat.

It was admitted that Sahuquillo does not include a weakening line.

For this reason, Earle was cited for disclosing a single sheet of paper for covering a toilet seat and which includes a weakening line shown by the dotted line in Fig. 1 thereof for allowing the elongated portions 8, 9 to be folded over the front and side areas of the toilet next to the seat ring.

However, the present claimed invention provides distinct differences and advantages over the aforementioned prior art.

First, with the present claimed invention, there is a central weakening line along the U-shape of the sandwich-like piece. This means that the weakening line is formed as part of the upper cellulose layer 6, the lower cellulose layer 7 and the

thin plastic layer 8 between these layers. In order to accomplish this, the thicknesses of upper cellulose layer 6 and lower cellulose layer 7 are reduced so as to converge at a reduced thickness line defining the central weakening line. There is no weakening line at all in Sahuquillo. Although Earle discloses folding over the edges thereof, there is no "weakening line." Rather, Earle is a conventional toilet seat cover formed by a single layer of tissue like paper. There is no need to form a weakening line in Earle since the single layer of tissue paper can just be folded over. Thus, there is no disclosure or suggestion in either Sahuquillo or Earle of modifying Sahuquillo to provide a reduced thickness weakening line, as taught by the present invention.

In order to emphasize this distinction in regard to a multi-layer thick disposable protector, claim 1 has been amended to recite that the upper layer and the lower layer reduce in thickness and converge at a reduced thickness line defining a central weakening line.

Further, the layers of the present invention are very different from those of Sahuquillo. Specifically, in Sahuquillo, as discussed above, the top layer 1 and bottom layer 3 are both waterproof layers. The middle layer 2 is a cotton layer to provide cushioning, while layers 4 and 5 are merely paper separation layers. Thus, liquid is prevented from entering the toilet seat protector by layers 1 and 3.

With the present claimed invention, on the other hand, the top layer 9 which is adapted to contact with a user's skin is a multi-perforated layer, and the middle layer 8 is a plastic layer, that is, waterproof and which separates the cushioning/absorption layers. Thus, if a liquid enters top layer 9, it becomes trapped in upper layer 6. This cannot occur with Sahuquillo since the top layer 1 is waterproof.

In order to emphasize this distinction, claim 1 has been amended to recite that the sandwich-like piece includes an upper layer of cellulosic material and having a thickness, a lower layer of cellulosic material and having a thickness, and a thin sheet of plastic material between the two layers, the thin sheet having a thickness much less than the thicknesses of the two layers, as well as a multi-perforated top layer.

This is very different from Sahuquillo which shows, in Fig. 1, all of the sheets to be of the same thin thickness. At most, the middle layer 2 may be slightly thicker, but this is very different from the present claimed structure, with two thick cellulose layers separated by a plastic layer.

Accordingly, it is respectfully submitted that the rejection of claim 1 under 35 U.S.C. §103(a), has been overcome.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the

undersigned at the telephone number given below for prompt action.

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 07-1524.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1524.

In view of the foregoing amendments and remarks, it is respectfully submitted that Claim 1 is allowable, and early and favorable consideration thereof is solicited.

Respectfully submitted,


Richard M. Goldberg
Attorney for Applicant
Registration No. 28,215

25 East Salem Street
Suite 419
Hackensack, New Jersey 07601
TEL (201) 343-7775
FAX (201) 488-3884
e-mail: goldbergpat@earthlink.net